

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

# PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/NO2004/000188

International filing date (day/month/year)  
25.06.2004

Priority date (day/month/year)  
03.07.2003

International Patent Classification (IPC) or both national classification and IPC  
A47C3/28, B62B7/02, B62B9/12

Applicant  
STOKKE AS

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/NO2004/000188

IAP2004/000188/PTO 30 DEC 2005

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
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**Box No. II Priority**

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1. ☐ The following document has not been furnished:

☐ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. ☒ The International Searching Authority has not been able to consider the validity of the priority claim because a copy of the earlier application whose priority has been claimed was not available to the International Searching Authority at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

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**Box No. IV Lack of unity of invention**

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1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:

☒ paid additional fees.

☐ paid additional fees under protest.

☐ not paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

☐ complied with

☒ not complied with for the following reasons:

**see separate sheet**

4. Consequently, this report has been established in respect of the following parts of the international application:

☒ all parts.

☐ the parts relating to claims Nos.

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**Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	6-10
	No: Claims	1-5
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VI Certain documents cited**

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**1. Certain published documents (Rules 43bis.1 and 70.10)**

and /or

**2. Non-written disclosures (Rules 43bis.1 and 70.9)**

**see form 210**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/NO2004/000188

**Re Item IV.**

The separate inventions are:

Claims 1-5

Locking device for height adjustment

Claims 6-10

Footrest for a children's seat

The International Searching Authority considers that the present application contains 2 inventions. This observation is based on the following reasons:

The prior art has been identified as US-5,451,072 (D1) as cited in the International Search Report. This document describes a locking system for height adjustment, wherein the locking device comprises a movable casing (61) which partly surrounds the stem (2), with a pressing block (62) and a handle (6) rotating eccentrically in order to tension the pressing block (62) against the stem (2) and providing friction between the locking device and the stem.

1. From the comparison of the first invention and the disclosure of D1, the following technical feature of the first invention can be seen to make a contribution over D1 and therefore is considered to be "special technical feature" (STF) (Rule 13.2 PCT) of the first invention : a friction element against the stem. Therefore the objective problem solved by this invention seems to be : the locking device risks sliding down the stem along which it is fixed.

2. For the same reasoning, from the comparison of claims 6-10 and this same prior art (D1) the STF of the second invention are : a footrest which is comprised of a two rails, possibly connected to a foot plate, which are received in guides integrated in the seat. Therefore the objective problem solved by this invention seems to be : the footrest takes large space in any position of adjustment.

It appears therefore that there are two problems, not related, which are not solved by corresponding features. In conclusion the two groups of claims are not linked by common

or corresponding special technical features and define two different inventions not linked by a single general inventive concept so that the requirement of unity of invention as defined in Rules 13.1 and 13.2 PCT are not fulfilled. The application relates to a plurality of inventions, or groups of inventions, in the sense of Rule 13.1 PCT.

**Re Item V.**

- 1 The following document is referred to in this communication:  
D1 : US 5 451 072 A (WENG KUAN-JEN) 19 September 1995  
D2: WO 01/32493 A (SUNRISE MEDICAL HHG INC) 10 May 2001

- 2 First invention - claims 1-5

2.1 Independent claim 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT.

Document D1 discloses (the references in parenthesis applying to this document):

a locking system for height adjustment, wherein the locking device comprises a movable casing (61) which partly surrounds the stem (2), with a pressing block (62) and a handle (6) rotating eccentrically in order to tension the pressing block (62) against the stem (2) and providing friction between the locking device and the stem.

Document D1, which is considered to represent the most relevant state of the art, discloses a locking device from which the subject-matter of claim 1 differs by the presence of a friction element.

The problem to be solved by the present invention may therefore be regarded as : the locking device risks sliding down the stem along which it is fixed as it relies on friction forces.

The person skilled in the art would thus contemplate the different possibilities of increasing the friction coefficient as a normal design procedure, the adjunction of a friction element is merely one of several straightforward possibilities from which the

skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem.

**2.2 dependent claims 2-5**

Dependent claims 2-5 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

**3 Second invention - claims 6-10**

The document D2 is regarded as being the closest prior art to the subject-matter of claim 6, and discloses (the references in parentheses applying to this document): a footrest (20) for a children's seat, that is comprised of two rails, connected to a foot plate, which are received in guides attached to the seat, such that the footrest (20) may be displaced telescopically in relation to the seat.

The subject-matter of claim 6 therefore differs from this known telescopic footrest in that the guides are integrated in the seat.

The subject-matter of claim 6 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as improving the rigidity of the assembly footrest and seat.

The solution to this problem proposed in claim 6 of the present application is considered as involving an inventive step (Article 33(3) PCT) as it is not rendered obvious by the available prior art.

Claims 7-10 are dependent on claim 6 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

**Re Item VI**

**Certain documents cited**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

**PCT/NO2004/000188**

**Certain published documents**

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
DE20307043U	04/09/2003	07/05/2003	----